

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL ACTION NO. 2:07CR12

RONALD CHRISTOPHER MAYLE,

Defendant.

REPORT AND RECOMMENDATION/OPINION

On the 31st day of July 2007, came the United States of America and Sharon L. Potter, United States Attorney for the Northern District of West Virginia, by Stephen D. Warner, Assistant United States Attorney, and moved the Court to dismiss Count Two of the Indictment [Docket Entry 32] in this matter. That same day came Defendant, Ronald Christopher Mayle, in person and by his counsel, George J. Cosenza, and also came the United States by its Assistant United States Attorney, Stephen D. Warner, for hearing on the motion. Defendant, through counsel, stated that he had no objection to the dismissal of Count Two of the Indictment. For reasons apparent to the Court and as stated on the record of the proceedings in this matter, the undersigned finds dismissal of Count Two of the Indictment is appropriate.

The undersigned therefore respectfully **RECOMMENDS** the United States' Motion to Dismiss Count Two [Docket Entry 32] be **GRANTED**.

Any party may, within ten (10) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. A copy of such objections should also be submitted to the Honorable Robert E. Maxwell, United States District Judge. Failure to timely file objections to the Report and Recommendation set forth above

will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation. 28 U.S.C. § 636(b)(1); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to send a copy of this Report and Recommendation to counsel of record.

Respectfully submitted this 15th day of August, 2007.

/s John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE